

FILED 08 FEB 19 12 35 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

HENRY THOMAS,

06-CV-186-PK

Plaintiff,

ORDER

v.

**BRIAN BELLEQUE, Superintendent,
Oregon State Penitentiary,**

Defendant.

STEVEN T. WAX
Federal Public Defender
ANTHONY D. BORNSTEIN
Assistant Federal Public Defender
101 S.W. Main Street
Suite 1700
Portland, OR 97204
(503) 326-2123

Attorneys for Plaintiff

HARDY MYERS

Attorney General

JONATHAN W. DIEHL

Assistant Attorney General

Department of Justice

1162 Court Street N.E.

Salem, OR 97301

(503) 947-4700

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#37) on December 17, 2007, in which he recommended this Court deny Plaintiff's Petition for Writ of Habeas Corpus (#2) and dismiss this matter with prejudice. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

The Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the portions of the record pertinent to Plaintiff's Objections *de novo* and does

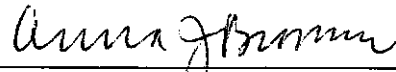
not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#37) and, accordingly, **DENIES** Plaintiff's Petition for Habeas Corpus (#2) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this ~~14th~~
19th day of February, 2008.



ANNA J. BROWN
United States District Judge